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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,481	12/05/2003	Barney P. Johnson	11929.001	3101

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EXAMINER
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LIEW, ALEX KOK SOON

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/729,481	<b>Applicant(s)</b> JOHNSON, BARNEY P.	
	<b>Examiner</b> Alex Liew	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6 are rejected under U.S.C. 102(e) as being anticipated by Suzuki (US pub no 2003/0012425).

With regards to claim 1, Suzuki discloses a method for creating variable size and variable resolution stereograms on a non-planar surface, said method comprising the steps of

- selecting a first elemental image, said first image consisting of designs (see figure 15 row 241 has a first shaded design),
- selecting a second elemental image, said second image consisting of design (see figure 15 the row below 241 has a second shaded design),
- positioning a plurality of rows of the first image on an object having a non-planar surface (see figure 15 – the designs on 241 is repeated every other row), wherein said rows of the repeated first image differ from row to row and are

horizontally and differentially spaced apart (each design is spaced apart by  $V_m$ )  
and

- positioning a plurality of rows of the second image on an object having a non-planar surface (see figure 15 – 240 the second row is also repeated every other row), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (the design on the second row is spaced apart by  $V_m$ ).

With regards to claim 6, see the rationale and rejection for claim 1. In addition, Lh2 shown in figure 18 is depth information seen from the eyes.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 5 are rejected under U.S.C. 103(a) as being unpatentable over Suzuki ('425) in view of Sussman (US pat no 5,641,289).

With regards to claim 2, Suzuki discloses a stereogram comprising a plurality of rows of repeated elements, said elements differ from row to row and are horizontally and differentially spaced apart, wherein the rows of repeated elements are displayed on an

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object having a non-planar surface (see figure 15 – 241 – the designs on the rows are repeated and spaced apart by  $V_m$ ), wherein elements are horizontally and differentially apart (each odd rows are  $V_m$  spaced apart). Suzuki does not disclose having image perceived to float in spaced in three dimensional. Sussman discloses image being displayed are perceived to float in space in three dimensional as if parts of the image were located on different distances from a viewer (see column 3 lines 35 – 37). One skilled in the ordinary art would include having image perceived to float in spaced in three dimensional because to help us see the text and / or content of the images more clearly to retain memory of written text and / or content on the three dimensional image (see Sussman column 1 lines 6 – 7).

With regards to claims 3 and 4, an extension to the rejection of claim 2, Sussman also discloses repeated elements of text and symbol (see figure 1).

With regards to claim 5, Suzuki discloses a stereogram as recited in claim 2, wherein the repeated elements are designs (see figure 15 row 241).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Liew whose telephone number is (571)272-8623. The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Alex Liew**  
**AU2624**  
**6/20/07**



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER